IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
Notice of Motion No.4515 of 2006
In
Appeal (Lodg.) No.903 of 2006
In
Suit No.2302 of 1992

Municipal Corporation of Greater Mumbai & Ors. .. Appellants

Vs.

Azharali Anwarali Sambhalwala. .. Respondent

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S/Shri R.D.Dhanuka with K.N.Gaikwad for the Appellants in support of the Notice of Motion.

S/Shri A.R.Khan with P.J.Gupta for the Respondent.

Shri Sayajirao Ghatge, Managing Clerk (Legal Department), M.M.C., present in Court.

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CORAM : R.M.S.KHANDEPARKAR &
DR.D.Y.CHANDRACHUD, JJ

DATED : 28TH FEBRUARY, 2007

P.C.

1. Heard. This Notice of Motion is taken out for condonation of delay of 71 days in filing the appeal. Considering the facts disclosed in the affidavit filed in support of the Notice of Motion, it is apparent that due to heavy work and on account of paucity of required number of employees in the concerned

department and as only one person is looking after the number of matters, by oversight he had not taken note of the matter when the same was listed on board and disposed of, and consequently there was delay in filing the present appeal. Since sufficient cause being shown for condonation of delay of 71 days in filing the appeal, the delay is condoned and the Notice of Motion is made absolute in terms of prayer clause (a).

2. The Appeal on being registered to be listed for final disposal at the admission stage on 7th March, 2007.

3. Shri Khan, the learned advocate, waives service for the respondent.

(R.M.S.KHANDEPARKAR, J)

(DR.D.Y.CHANDRACHUD, J)